

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE: YASMIN AND YAZ
(DROSPIRENONE)MARKETING,
SALES PRACTICES AND
PRODUCTS LIABILITY
LITIGATION

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) MDL Docket No. 3:09-md-02100-DRH-
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) HONORABLE DAVID R. HERNDON
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This Document Relates to:
ALL CASES

**CASE MANAGEMENT ORDER No. 69
(APPOINTMENT OF SUBSTITUTE SPECIAL MASTER)**

This matter is before the Court for case management. The parties have requested that the Court appoint the Honorable James Donovan (Ret.) to serve as a substitute Special Master for depositions - when the parties agree and when Special Master Dan Stack is unavailable. The request is GRANTED. The Court hereby **APPOINTS** the Honorable James Donovan (Ret.) to serve as a substitute special master for depositions (when the parties agree and when Special Master Dan Stack is unavailable) in accordance with the below-stated parameters and procedures.

1. *Appointment.*

A. The Honorable James Donovan (Ret.) is appointed under Rule 53 as substitute Special Master, when the parties agree and when Special Master

Dan Stack is unavailable, for the purpose of mediating and, if necessary, issuing preliminary suggested rulings on disputes that arise during the course of depositions of corporate witnesses taken outside of the United States.

B. Additionally, when requested by any party and upon the consent of all other parties, the substitute Special Master may preside over depositions of corporate and non-corporate witnesses taken both inside and outside of the United States.

2. *Parameters.* Whether presiding over a deposition pursuant to section 1.A. or 1.B., above, the following parameters shall apply:

A. *Procedures.* The substitute Special Master shall have the rights, powers and duties provided in Rule 53, and may adopt such procedures as are not inconsistent with that Rule or with this or other Orders of the Court. The substitute Special Master shall endeavor first to mediate a resolution to disputes that may arise. Should mediation fail to result in an agreed upon resolution, the substitute Special Master shall make preliminary rulings that, at the election of any party, may be referred to this Court, in the first instance, and to the State Court Judges overseeing coordinated YAZ®/Yasmin®/Ocella® state court proceedings, secondarily. If judicial review of the substitute Special Master's suggested preliminary rulings is required, the parties shall bring their disputes to the Court and the State

Court Judges pursuant to the procedures set forth in Case Management Order No. 30.

B. *Fees and Expenses.* The substitute Special Master will be paid \$400 per hour for working time, plus reimbursement for reasonable travel and other expenses incurred by the Special Master. The fees and expenses of the substitute Special Master are to be divided evenly between the parties. The substitute Special Master may employ other persons to provide clerical and secretarial assistance; such persons shall be under the supervision and control of the substitute Special Master, who shall take appropriate action to ensure that such persons preserve the confidentiality of matters submitted to the substitute Special Master for review.

C. *Distribution.* A copy of this Order shall be mailed by the Clerk to the substitute Special Master and to liaison counsel for the parties.

IT IS SO ORDERED.

Signed this 12th day of January, 2015.

Digitally signed by
David R. Herndon
Date: 2015.01.12
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**District Judge
United States District Court**